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PD-990066

**Remarks**

Claims 1-3, 5-14 and 32-41 are now in the application. Claims 15, 16 and 28-31 have been cancelled and claims 34-41 have been added.

Applicant's representative Eric Gifford and Examiner Michael Opsasnick conducted a telephonic interview April 30, 2007 to discuss the statutory rejection of previously allowed claims 1-3 and 5-14 and the substantive rejection of claims 15, 16, and 28-33. Examiner Opsasnick indicated that claims 1-3 and 5-14 define statutory subject matter under the current reading of the Interim Guidelines. Examiner Opsasnick also indicated that the discussed clarification of the extraction and switch logic features in claims 32 and 33 should overcome the cited art of record.

Claims 1-3 and 5-14 remain allowable over the prior art of record. However, claims 1-3, 5-14 and 32 are not rejected under 35 USC 101 as being directed to non-statutory subject matter. Although claims 1-3 and 5-14 have been allowed since an Office Action issued May 7, 2004 they are now rejected based on "the most recent interpretation of the Interim Guidelines regarding 35 USC 101". Upon further review of the claims and the now current interpretation of the Interim Guidelines, Examiner Opsasnick indicated that the claims are in fact directed to statutory subject matter and the rejection will be withdrawn.

Claims 15, 16 and 28-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi (6549241) in view of Rao (6253293). Claims 32 and 33 were rejected as unpatentable over Hiroi in view of Rao further in view of Gaalaas (6,226,758). Claims 15, 16 and 28-31 have been cancelled. Claims 32 and 33 have been amended to more particularly point out features of the invention, namely that the plurality of AES-3 channels extracted have a plurality of possible playback formats. The particular playback format is defined by the encoded formats of the at least one audio signal in each of the AES-3 channels when taken together. The extractor separates the signal into the AES-3 channels and the switch logic senses the playback format and directs the audio signals to the corresponding encoders in accordance with the sensed playback format. Support can be found in Figures 4 and 5 and at p. 9, lines 13-30 and p. 17, lines 3-26. The invention allows a limited set of AES audio channels to be used to transmit audio data in a plurality of different playback formats. Claims 34-37 and 38-41 as dependent from claims 32 and 33, respectively, are directed to additional novel features of the invention. Claim 34 specifies that the playback format is

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sensed by sensing the encoded format of the audio signal in one audio channel. Claim 35 specifies that the playback format is sensed by sensing whether that one audio signal is compressed or uncompressed. Claim 36 specifies that the playback format does vary. Claim 37 recites two specific playback formats. Claims 38-41 recite similar features but in a different combination.

The combination of references fails to form a proper ground for a rejection under 35 U.S.C. §103. Applicant requests that the rejection be withdrawn and a notice of allowance issued.

MAY 02 2007

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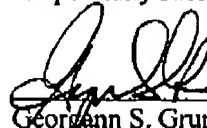
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**Conclusion**

In view of the foregoing, Applicant respectfully submits that the present application is now in condition for allowance, and such action is respectfully requested.

Applicant believes that there is no fee required for this amendment response; however, in the event that the applicant has overlooked the necessity of a required fee, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0383.

Respectfully submitted,



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Date: May 2, 2007

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